

BEFORE THE BOARD OF NURSING HOME ADMINISTRATORS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC
amendment of ARM 8.34.415, renewals) HEARING ON
and ARM 8.34.416, continuing) PROPOSED AMENDMENT
education)

1. On October 18, 2004, at 10:00 a.m., a public hearing will be held in room 471, Park Avenue Building, 301 South Park, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Nursing Home Administrators no later than 5:00 p.m. on October 11, 2004, to advise us of the nature of the accommodation that you need. Please contact Linda Grief, Board of Nursing Home Administrators, 301 South Park, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2395; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdnha@state.mt.us.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

8.34.415 RENEWALS (1) An application for renewal of license for the next subsequent calendar year shall be filed on or before ~~December 31~~ January 1 of each year and must be accompanied by the required fee, which shall not be refunded.

(2) The renewal fee for the next subsequent calendar year shall be due and payable on or before ~~December 31~~ January 1 of each year. Renewal fees paid by mail shall be considered as paid when due if the envelope bears a postmark of ~~December 31~~ January 1 or earlier.

AUTH: 37-9-201, MCA
IMP: 37-9-304, 37-9-305, MCA

REASON: The Board of Nursing Home Administrators has determined that there is reasonable necessity to amend ARM 8.34.415 in order for the Board's rule to coincide with ARM 8.2.208(2)(a).

8.34.416 CONTINUING EDUCATION (1) remains the same.

~~(2) All applicants for shall submit proposed courses to the board for approval. No course shall be accepted as satisfying the continuing education requirement unless it shall have had approval by the board. Such decision shall be~~

~~based on the relevance and scope and contemporaneous nature of the course in light of the current trends in quality nursing home administration. From time to time, the board may in its discretion designate certain courses offered to the public as courses which, upon successful completion, shall satisfy the continuing education requirement.~~

(2) All courses for continuing education obtained from a provider that is not on the board's preapproved list must be approved by the board based upon the relevance to current nursing home administrator issues.

(a) The board shall adopt policy guidelines for approval of continuing education courses.

(b) A list of the guidelines for approval must be provided to all new licensees and must be available from the board office and through electronic media.

(c) Licensees who attend a course not offered by a preapproved provider/sponsor shall submit the course for approval on the form prescribed by the board and accompanied by the appropriate fee. All courses must be submitted for approval by December 31 of the year in which the course was attended.

(d) A list of approved providers/sponsors and courses must be mailed to licensees with each renewal notice and must be available from the board office through the electronic media.

(3) The board may preapprove providers/sponsors of continuing education. Courses obtained from a preapproved provider/sponsor do not need to be submitted for approval. Courses sponsored by preapproved providers/sponsors that are germane to long term care will be automatically accepted by the board.

(a) Applications for approval as a provider must be made on a form prescribed by the board.

(b) The board will require that the providers/sponsors demonstrate expertise in the areas of long term care including accredited educational institutions, recognized professional or trade associations, or other legitimate organizational entities capable of conducting adult continuing education.

(c) The board shall annually review the list of preapproved providers/sponsors for assurance as to the quality and relevance of courses offered and the provider's compliance with the board's policies relative to preapproved providers.

(d) The board may grant continuing education credit to the licensees who have attended courses/programs that have been accepted by other state boards/associations of nursing home administrators.

~~(3) (4) Twenty-five hours of continuing education will be required annually for renewal of a license or renewal of inactive registration.~~

~~(a) The continuing education requirement will not apply until January 1 of the year following the year of original license.~~

~~(b) Up to 25 hours earned in excess of 25 hours in a calendar year may be carried over into the succeeding year.~~

(a) A licensee is exempt from the continuing education requirement the year of original licensure.

(b) The board will conduct continuing education audits. Those licensees selected shall submit proof of completion of continuing education courses. Licensees are responsible for maintaining their records of participation of continuing education and make them available upon request.

(c) One semester credit is equal to 15 continuing education hours, and 60 minutes of class time equals one continuing education hour.

~~(4)~~ (5) No more than ~~25~~ 15 hours of college courses may be submitted for continuing education without prior approval of the board. These courses ~~shall be approved in advance by the continuing education committee and~~ should contribute to the professional competence of the participant.

AUTH: 37-1-131, 37-1-319, 37-9-201, 37-9-203, MCA

IMP: 37-1-319, 37-9-203, 37-9-305, MCA

REASON: The Board of Nursing Home Administrators has determined that it is reasonable and necessary to amend ARM 8.34.416 to clarify the continuing education requirement as the Board feels the rule as currently written is vague and confusing for the licensees. The amendment will aid the continuing education requirement to be more affordable, assessable and less restrictive than the current rule offers.

4. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to the Board of Nursing Home Administrators, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdnha@state.mt.us, and must be received no later than 5:00 p.m., October 22, 2004.

5. An electronic copy of this Notice of Public Hearing is available through the Department and Board's site on the World Wide Web at <http://www.discoveringmontana.com/dli/nha>. The Department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The Board of Nursing Home Administrators maintains a list of interested persons who wish to receive notices of

rulemaking actions proposed by this Board. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Nursing Home Administrators administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Nursing Home Administrators, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdnha@state.mt.us, or may be made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor requirements of 2-4-302, MCA, do not apply.

8. Jack Atkins, attorney, has been designated to preside over and conduct this hearing.

BOARD OF NURSING HOME ADMINISTRATORS
DEBORAH WILSON, CHAIRPERSON

/s/ WENDY J. KEATING
Wendy J. Keating, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

Certified to the Secretary of State September 13, 2004